

Rivera, Jose

From: Rivera, Jose
Sent: Thursday, March 28, 2019 4:22 PM
To: 'sqrgroup sqrgroup'
Cc: 'angelmelendez@jca.gobierno.pr'
Subject: NEW MARITIME TRASNPORATION TERMINAL - TRANSMITTAL OF INSPECTION REPORT
Attachments: NEW MARITIME TRANSPORTATION TERMNAL - INSPECTION REPORT (FEBRUARY 2019 INSPECTION).pdf; NEW MARITIME TRANSPORTATION TERMINAL - TRANSMITTAL OF INSPECTION REPORT TO SQR (FEBRUARY 2019 INSPECTION).pdf

Dear Mr. Rosario,

Dear Ms. Pérez,

Attached is a copy of the inspection report that EPA issued today. The Report concerns the EPA inspection on February 19, 2019. A copy of the report with cover letter was sent to MTA.

Please call me if you have any questions or will like to discuss.

Linda tarde!

José A. Rivera, BSCE | Team Leader
Clean Water Act Team
Multimedia Permits and Compliance Branch
US EPA Region 2 | Caribbean Environmental Protection Division
Direct Dial: (787) 977-5842
Main: (787) 977-5865
e-mail: rivera.jose@epa.gov

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Rivera, Jose

From: Rivera, Jose
Sent: Thursday, March 28, 2019 4:21 PM
To: 'mara.perez@p3.pr.gov'
Cc: 'angelmelendez@jca.gobierno.pr'
Subject: NEW MARITIME TRANSPORTATION TERMINAL - TRANSMITTAL OF INSPECTION REPORT
Attachments: NEW MARITIME TRANSPORTATION TERMINAL - TRANSMITTAL OF INSPECTION REPORT TO MTA (FEBRUARY 2019 INSPECTION).pdf; NEW MARITIME TRANSPORTATION TERMINAL - INSPECTION REPORT (FEBRUARY 2019 INSPECTION).pdf

Dear Ms. Pérez,

Attached is a copy of the inspection report that EPA issued today. The report concerns EPA's inspection of the Terminal on February 19, 2019. A copy of the report and cover letter will be transmitted to SQR later today.

Please call me if you have any questions or will like to discuss.

Linda tarde!

José A. Rivera, BSCE | Team Leader

Clean Water Act Team

Multimedia Permits and Compliance Branch

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2
Caribbean Environmental Protection Division
City View Plaza II, #48 Carr 165 Ste 7000
Guaynabo, Puerto Rico 00968-8073

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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Nelson Rosario
Operations Manager
SQR Architects & Engineers Consulting, P.S.C.
Calle Bolivar #67
San Juan, Puerto Rico 00917

**Re: Transmittal of NPDES Stormwater Inspection Report
New Maritime Transportation Terminal
NPDES ID Number: PRU915149 (unpermitted)
Administrative Compliance Order, Docket Number CWA-02-2019-3103**

Dear Mr. Rosario:

This refers to the National Pollutant Discharge Elimination System (NPDES) Stormwater Inspection (Inspection) performed by the United States Environmental Protection Agency (EPA) at the reference Terminal on February 19, 2019. The main purpose of the Inspection was to determine compliance with the Administrative Compliance Order (Order), Docket Number CWA-02-2019-3103, that EPA issued to the Puerto Rico Maritime Transport Authority and The Municipal Islands (MTA) and SQR Architects & Engineers Consulting, P.S.C. (SQR) on December 19, 2018. The other purpose of the Inspection was to assess the implementation (or lack) of actions at the Terminal concerning erosion and sediment controls, soil stabilization and pollution prevention practices, and other requirements, as established in Part IV (Ordered Provisions) of the Order.

Enclosed please find a copy of the Inspection Report. If you have any questions regarding the above, please contact Mr. José A. Rivera, Team Leader, Clean Water Act Team, at (787) 977-5852, or rivera.jose@epa.gov.

Sincerely,

Nancy Rodríguez, P.E.
Chief
Multimedia Permits and Compliance Branch

Enclosure

cc: Ángel Meléndez, EQB (via e-mail w/ enclosure)

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Ms. Mara Pérez, Esq.
Executive Director
Puerto Rico Maritime Transport Authority and the Municipal
Islands
P.O. Box 4118
San Juan, Puerto Rico 00940



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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Ms. Mara Pérez, Esq.
Executive Director
Puerto Rico Maritime Transport Authority and the Municipal Islands
P. O. Box 41118
San Juan, Puerto Rico 00940

**Re: Transmittal of NPDES Stormwater Inspection Report
New Maritime Transportation Terminal
NPDES ID Number: PRU915149 (unpermitted)
Administrative Compliance Order, Docket Number CWA-02-2019-3103**

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Enclosed please find a copy of the Inspection Report. If you have any questions regarding the above, please contact Mr. José A. Rivera, Team Leader, Clean Water Act Team, at (787) 977-5852, or rivera.jose@epa.gov.

Sincerely,

Nancy Rodríguez, P.E.
Chief
Multimedia Permits and Compliance Branch

Enclosure

cc: Ángel Meléndez, EQB (via e-mail w/ enclosure)

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Ms. Mara Pérez, Esq.
 Executive Director
 Puerto Rico Maritime Transport Authority and the Municipal Islands
 P.O. Box 4118
 San Juan, Puerto Rico 00940

PS Form 3800, April 2015 PSN 7530-02-000-9047

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Mr. Nelson Rosario
 Operations Manager
 SQR Architects & Engineers Consulting, P.S.C.
 Calle Bolivar #67
 San Juan, Puerto Rico 00917



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
MULTIMEDIA PERMITS AND COMPLIANCE BRANCH

**NPDES Stormwater Inspection
Construction Site**

NEW MARITIME TRANSPORTATION TERMINAL

Former Roosevelt Roads Naval Base, Forestal Drive, Port 2, Ceiba, Puerto Rico 00735
Coordinates: Latitude 18° 13' 49.63" N; Longitude 65° 37' 09.30" W

OWNER/OPERATOR

**PUERTO RICO MARITIME TRANSPORT AUTHORITY
AND THE MUNICIPAL ISLANDS**

P. O. Box 41118, San Juan, Puerto Rico 00940

Telephone Number: (787) 497-7740

Facsimile Number: (787) 497-7741

Web Site: www. <http://www.dtop.gov.pr>

CONTRACTOR/OPERATOR

SQR ARCHITECTS & ENGINEERS CONSULTING, P.S.C.

Calle Bolivar #67, San Juan, Puerto Rico 00917

Telephone Number: (787) 925-1535

Electronic Mail: sqrgroup@gmail.com

STATUTE AND REGULATIONS

Sections 301(a), 308(a) and 402 of the Clean Water Act

NPDES Regulation: 40 C.F.R. § 122

NPDES ID Number: PRU915149 (unpermitted)

Inspection Date: February 19, 2019

Participating Personnel:

U.S. EPA:

José A. Rivera, Team Leader
Clean Water Act Team

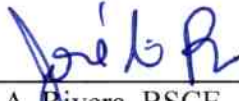
Owner/Operator:

Juan Maldonado, Esq., Former Executive Director
Luis D. Centeno, MTA's Security Officer
Alex Bonfont, Terminal's Security Officer
Alberto Bermúdez, Operations Manager

Contractor/Operator:

Nelson Rosario, Operations Manager
Winston Estévez, Environmental Consultant

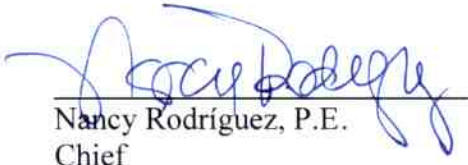
Inspection Report
Prepared by:



José A. Rivera, BSCE
Team Leader
Clean Water Act Team
Tel: (787) 977-5842
Email: rivera.jose@epa.gov

3/28/19
Date

Inspection Report
Approving Officer:



Nancy Rodríguez, P.E.
Chief
Multimedia Permits and Compliance Branch

3/28/19
Date

1. **INTRODUCTION**

This Inspection Report includes findings and observations concerning the National Pollutant Discharge Elimination System (“NPDES”) Stormwater Inspection (“Inspection”) conducted by José A. Rivera, Team Leader, Clean Water Act Team, of the United States Environmental Protection Agency’s (“EPA”) Caribbean Environmental Protection Division (“CEPD”) at the New Maritime Transportation Terminal (“Terminal”) located in Ceiba, Puerto Rico.¹ The Inspection took place on Tuesday, February 19, 2019, from 12:50 p.m. to 4:25 p.m. Dry weather prevailed, but a light rain shower event took place approximately at 2:45 p.m. and ended about 2:50 p.m.

The main purpose of the Inspection was to determine compliance with the Administrative Compliance Order (“Order”), Docket Number CWA-02-2019-3103, that EPA issued to the Puerto Rico Maritime Transport Authority and The Municipal Islands (“MTA”) and SQR Architects & Engineers Consulting, P.S.C. (“SQR”) on December 19, 2018. The other purpose of the Inspection was to assess the implementation (or lack) of actions at the Terminal concerning erosion and sediment controls, soil stabilization and pollution prevention practices, and other requirements, as established in Part IV (“Ordered Provisions”) of the Order. The Inspection was performed pursuant to the authority in Section 308(a) of the CWA.

2. **ENTRY MEETING**

Upon arrival at the Terminal, the EPA Inspector showed its credentials to Mr. Rosario, Mr. Centeno and Mr. Bonefont. Upon arrival of Mr. Maldonado at approximately 1:30 p.m., the EPA Inspector proceeded to conduct a walkthrough of the Terminal and adjacent parcel of land.

Because the Inspection was previously coordinated between the EPA Inspector, Mr. Rosario and Mr. Maldonado during a face-to-face meeting at the CEPD office in Guaynabo, Puerto Rico, on February 6, 2019, the EPA Inspector re-iterated that the purpose of the Inspection was to determine compliance with the Order and implementation of actions.

3. **WALKTHROUGH**

The areas visited during the walkthrough included the entire parcel of land on which the Terminal is located, including the waterfront portion of the Terminal, the adjacent parcels of land, another parcel of land in which stormwater infrastructure owned by the Local Redevelopment Authority for Roosevelt Roads (“LRA”) is found, and other areas of the Ensenada Honda Bay’s waterfront.²

Attachment 1 and Attachment 2 of this Inspection Report include the photo documentation of the walkthrough. The EPA Inspector took all pictures using a Camera Nikon Coolpix P530, which were unaltered transferred to an EPA computer.

¹ This is the 3rd EPA inspection performed at the Terminal. The 1st EPA Inspection was conducted on September 17-18, 2018. The 2nd EPA Inspection was conducted on November 6, 2018. Inspection reports were prepared for the 1st Inspection and 2nd Inspection, which were issued on October 9, 2018 and November 28, 2018, respectively.

² The walkthrough was conducted between 1:30 p.m. and 3:00 p.m. Mr. Rosario, Mr. Estévez, Mr. Centeno, Mr. Bonefont, and Mr. Bermúdez participated during the entry meeting, walkthrough and exit meeting. Mr. Maldonado participated in the entry meeting and walkthrough until approximately 2:00 p.m. Mr. Maldonado’s participation was limited to areas near the unfinished construction of the entrance to the Terminal and the passengers parking areas of the Terminal.

3.1 TERMINAL

The following includes the EPA Inspector's observations resulting from the walkthrough of the Terminal:

a. Pollution Prevention Controls

- 1) Construction debris were not observed at the Terminal.
- 2) Garbage dumpsters were observed without cover lids.
- 3) Storage of hydrocarbon compounds exposed to precipitation were not observed at the Terminal.

b. Storm Drain Inlet Protection

- 1) The Catch Basin #1 (CB1) located near the concrete building at the Terminal was provided with inlet protection.³
- 2) The Catch Basin #2 (CB2) located to the west side of the Terminal was provided with inlet protection.
- 3) The Catch Basin #3 (CB3) located near the cargo entrance of the Terminal was provided with inlet protection.
- 4) The silt fence material used for CB1, CB2 and CB3 needs reinstallation and/or replacement because the installation did not follow good engineering practices for erosion controls.
- 5) Two additional catch basins were observed at the Terminal. One of the two catch basin was observed without any inlet protection.⁴ The runoff collected in these two catch basins are conveyed into CB1. CB1 discharges into outfall 001.
- 6) Another inlet was observed on the north side of the concrete building, but the hydraulic connection could not be determined. This catch basin was installed in a concrete sidewalk and does not need inlet protection, as areas surrounding the inlet were provided with sod stabilization.

c. Sediment Track-Out Controls

- 1) One temporary entrance to the Terminal was provided, which was built with crushed stone. This entrance only allows for access into the area of the Terminal that will be dedicated to temporary parking for cargo.
- 2) The current entrance to the visitors parking area does not have controls for sediment track-out.

³ The concrete building hosts the main Terminal's offices and ticket booths.

⁴ Attachment 1 of this Inspection Report provides a detailed description of this observation.

- 3) Solids, dust and sediment removal practices from paved areas within the Terminal and near paved entrances to the Terminal were not observed.

d. Dust Controls

- 1) Dust control practices to unpaved areas of the Terminal were not provided.
- 2) Vehicle traffic in the visitors parking areas are causing dust emissions due to lack of and/or inadequate soil stabilization.
- 3) The EPA Inspector experienced dust emissions caused by wind blows.

e. Soil Stabilization

- 1) Sod was used to cover soils in areas near and/or around the concrete building and the passengers waiting area.
- 2) Most of the areas within the visitors parking lot were provided with an aggregate material known as “Mogolla” (for its term in Spanish), which is not a good engineering practice for soil stabilization to control erosion. Heavy traffic has caused the “Mogolla” aggregate material to become a source of dust and sediments during wet weather runoff events.
- 3) Other areas of the Terminal were covered with mats.

f. Perimeter and Run-on Controls

- 1) Perimeter controls along the boundary of the Terminal are no longer required because the perimeter was completed and provide for run-on control.
- 2) Run-on control was observed on the east boundary of the Terminal, near the adjacent parcel of land owned by the LRA.

g. Other Controls

- 1) Silt fences were installed in several locations of the Terminal.
- 2) The main entrance of the Terminal, which has not undergone final construction, was observed with soil stabilization (i.e., crushed stone, mats).
- 3) One turbidity barrier was observed. The other two turbidity barriers were not installed.

h. Construction Activities

- 1) Construction activities were not been conducted at any location within the Terminal.
- 2) Earth movement activities were not been conducted at any location within the Terminal.

Attachment 1 of this Inspection Report includes photographs taken during the walkthrough of the Terminal. These photographs include additional comments and descriptions of observations.

3.2 OTHER PARCELS OF LAND OWNED BY LRA

Figure 1 depicts the adjacent parcels of land and its use as of November 22, 2018.

Figure 1



Legend:

- **Yellow** – Terminal operated by MTA. Land owned by LRA.
- **Red** – Adjacent Parcel of Land owned by LRA
- **Blue** – Other Parcel of Land owned by LRA

Below are the EPA Inspector's observations of the other parcels of land owned by LRA:

a. Construction Activities

- 1) Construction activities had been conducted at the adjacent parcel of land.
- 2) Construction activities were not been conducted during the Inspection.

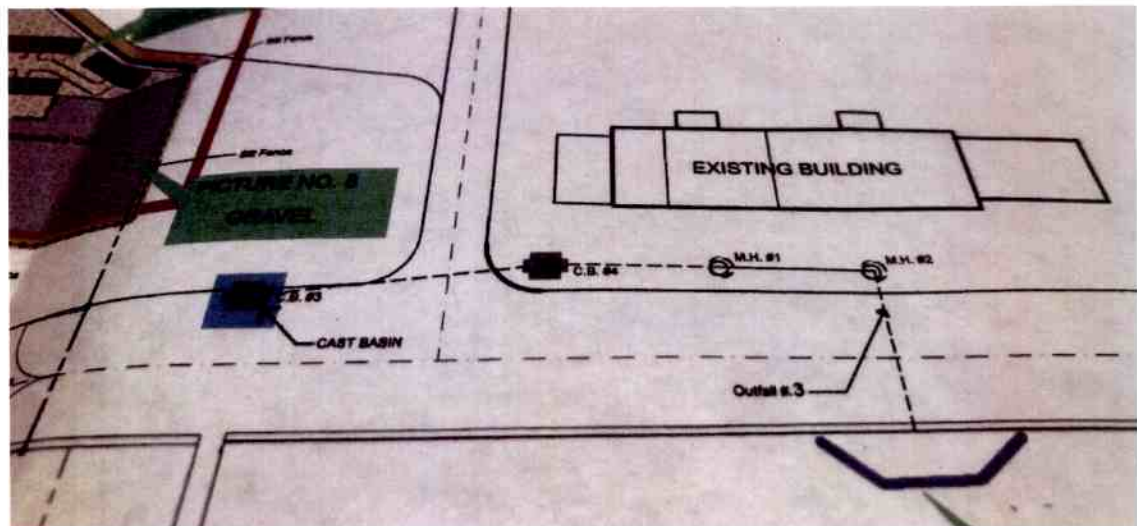
b. Earth Movement

- 1) The parcels of land are being used as ancillary transportation services for passengers, temporary parking for vehicles and access road to the waterfront area of the Ensenada Honda Bay.⁵
- 2) Earth movement activities were not been conducted within the parcels of land.

c. Stormwater Runoff and Discharge into Water

- 1) Based on the current topography of the east side areas of the Terminal and the adjacent parcel of land, storm water runoff from these areas flow into CB3.
- 2) **Figure 2** depicts the approximate location of the stormwater collection and discharge system associated with outfall 003.

Figure 2



Source: Update site map of the Stormwater Pollution Prevention Plan ("SWPPP") developed for the Terminal.

- 3) To determine the hydraulic connections of catch basins (such as MH3) and manholes located in the adjacent parcel of land and the other parcel of land, the EPA Inspector and MTA's personnel collaborated to investigate the connections.
- 4) At approximately 2:42 p.m., MTA's personnel began to continuously pour potable water via a flexible hose into CB3.
- 5) The EPA Inspector traced the flow. The CB3 flows into CB4. CB4 flows into MH1. MH1 flows into MH 2. MH2 flows into outfall 003. Outfall 003 flows in Ensenada Honda Bay.

⁵ See findings concerning earth movement at the adjacent parcel of land in the November 28, 2018 Inspection Report,

- 6) At approximately 2:57 p.m., the EPA Inspector observed a discharge of the potable water carrying sediments into Ensenada Honda Bay.
 - 7) The discharge had a light brown color and caused a small plume near outfall 003.
- d. Storm Drain Inlet Protection
- 1) CB3 had inlet protection.
 - 2) The CB4 did not have inlet protection.
- e. Dust Controls
- 1) The EPA Inspector did not observe dust control practices at the adjacent parcel of land.
 - 2) The EPA Inspector experienced dust emissions caused by wind blows near the gate for cargo transportation into the Terminal.
- f. Soil Stabilization
- The EPA Inspector did not observe any soil stabilization at the adjacent parcel of land.
- g. Perimeter and Run-on Controls
- The EPA Inspector did not observe any perimeter and run-on controls at the adjacent parcel of land.

Attachment 2 of this Inspection Reports includes photographs for the observation made for the adjacent parcel of land and other parcel of land. These photographs include additional comments and descriptions of observations.

4. **EXIT MEETING**

Upon completion of the walkthrough, an exit meeting was performed. The EPA Inspector used the provisions of the Order as a guide to provide the preliminary observations and areas of concern derived from the observations during the walkthrough. A summary of discussions is presented below:

- a. eNOI – The eNOIs filed by MTA and SQR did not include outfall 003, and as such, the eNOIs are incomplete. Mr. Sergio Bosques, EPA Stormwater Coordinator, was contacted about the eNOIs filed by MTA and SQR. During the telephone conversation, he was advised of the finding concerning outfall 003, and the parties agreed that the best option to address outfall 003 was for EPA to deny the eNOIs filed by MTA and SQR.
- b. Inlet Protection – The catch basins that were not previously identified by EPA Inspectors during the 1st Inspection and 2nd Inspection needs inlet protection, as applicable. See comments above and the photo documentation for those inlets that do not need protection.

- c. Turbidity Barrier – Only one barrier was installed, and two barriers were missing.
- d. Adjacent Parcel of Land – Earth movement activities had taken place. MTA and SQR officials indicated that SQR and MTA did not perform the earth movement activities.
- e. Parking Areas – Soil stabilization was not provided and/or was ineffective.
- f. Sediment Track-Out – Significant amounts of sediments were observed near the gate for cargo transportation into the Terminal.
- g. Pollution Prevention – The waste dumpster did not have lids and were overfilled.
- h. Site Map / SWPPP – The site map developed for the Terminal needs to be revised to address the stormwater collection and discharge systems associated with outfall 001 and outfall 003. The SWPPP needs to be revised to incorporate controls for the stormwater collection and discharge systems associated with outfall 001 and outfall 003.

5. POST-INSPECTION REVIEW OF RECORDS ABOUT NPDES PERMITTING

The EPA Inspector review EPA's records and the EPA database known as the "NPDES eReporting Tool" ("NeT") to determine the permitting status for the Terminal and adjacent parcels of land under the NPDES General Permit for Discharges from Construction Activities ("CGP"). The following provides a summary of its findings:

- a. On December 12, 2018, SQR filed an electronic Notice of Intent ("eNOI") seeking coverage under the CGP.
 - 1) The NPDES ID assigned to SQR was PRR10005P.
 - 2) On December 13, 2018, EPA placed on hold the eNOI submitted by SQR. On February 19, 2019, EPA denied SQR's coverage under the CGP.
- b. On February 19, 2019, MTA filed an eNOI seeking coverage under the CGP.
 - 1) The NPDES ID assigned to MTA was PRR10006I.
 - 2) On February 19, 2019, EPA denied MTA's coverage under the CGP.
- c. As of the date of this Inspection Report, SQR and MTA have not re-submitted eNOIs for the Terminal. As of the date of this Inspection Report, LRA has not submitted an eNOI for the earth movement activities that were conducted at the adjacent parcel of land.

End of Report

ATTACHMENT 1

Photo Documentation

Photo 1 - This photo depicts what has been planned to be the main entrance to the Terminal. The photo depicts areas in need of additional cover for soil stabilization. Dust control measures were not observed.



Photo 2 - This photo depicts an inlet without inlet protection. This inlet is hydraulically connected to CB1.

Photo 3 - This photo depicts a visitors parking area without adequate soil stabilization and lack of dust controls.



Photo 4 - Another area of the visitors parking area showing same findings described in Photo 3.



Photo 5 - Another area of the visitors parking area showing same findings described in Photo 3.

Photo 6 - Another area of the visitors parking area showing same findings described in Photo 3.



Photo 7 - Area to be completed for temporary cargo parking with plastic cover. Other areas with defficient soil stabilization or no soil stabilization.



Photo 8 - Another view of Photo 7.

Photo 9 - Areas of the visitors parking lot where heavy traffic takes place. Soil stabilization was inadequate. No implementation of measures for dust control.



Photo 10 - This photo and the following ones depict areas of the Terminal in which plastic cover was used for temporary soil stabilization. CB 1 and CB2 are also shown.



Photo 11 - See description in Photo 10.

Photo 12 - See description in Photo 10. Also, this photo depicts CB1 and CB2 located in the Terminal.



Photo 13 - This photo depicts CB2 with inlet protection.



Photo 14 - Closer view of Photo 13.

Photo 15 - This photo depicts CB1 with inlet protection.



Photo 16 - A closer view of Photo 15.



Photo 17 - This photo shows two of three inlets that were not identified in the previous two EPA inspections. The inlet to the left of the photo had final stabilization - sod, and the other one lacked inlet protection. A closer view of the inlet without protection is shown on the next photo. None of these two inlet were included in the site map included in the Stormwater Pollution Prevention Plan developed for the construction of the Terminal.

Photo 18 - This photo shows a closer view of the inlet described in Photo 17.



Photo 19 - This inlet is located behind the main Terminal building, but was not identified in the site map included in the Stormwater Pollution Prevention Plan developed for the construction of the Terminal.



Photo 20 - This area of the Terminal was added after the EPA November 2018 Inspection. It was provided with crushed stone for soil stabilization. Stormwater runoff from this area and the adjacent parcel of land ultimately reaches outfall 003.

Photo 21 - View of an area of the Terminal neighboring the waterfront in which waste containers were opened to the elements. The photo depicts patches of soil without stabilization and a slit fence installed along the perimeter.



ATTACHMENT 2

Photo Documentation

Photo 1 - This photo depicts earth movement activities performed at the adjacent parcel of land. No soil stabilization practices were observed. Other than the installation of a silt fence depicted on the next photo, no erosion controls practices were observed.



Photo 2 - This is another view of the adjacent parcel of land. A silt fence was installed. The concrete swale collects stormwater runoff from the Terminal and the adjacent parcel of land. This swale conveys stormwater runoff into a storm inlet CB3 depicted in the next photo.

Photo 3 - Another view of the concrete swale and storm inlet CB3. The inlet was provided with hay bales and silt fence protection, and was installed by SQR Architects & Engineers. The photo also depicts the entrance to the Terminal for cargo and employee parking areas.



Photo 4 - This photo shows the water hose that the MTA's officials placed into CB3 to perform the water discharge test.



Photo 5 - This photo depicts the discharge point / outfall 003 into the Bay. A light brown discoloration plume caused is shown near outfall 003. This resulted from the water test to identify the discharge location into the Bay.

Photo 6 - Another view of the Bay area that receives the stormwater discharges thru outfall 003.



Rivera, Jose

From: Rivera, Jose
Sent: Thursday, March 07, 2019 2:44 PM
To: Angel Garcia
Subject: TERMINAL - REPORT FOR THE EPA NOVEMBER 6 2018 INSPECTION AND COVER LETTER
Attachments: TERMINAL - REPORT FOR THE EPA NOVEMBER 6 2018 INSPECTION AND COVER LETTER.pdf

Rivera, Jose

From: sqrgroup sqrgroup <sqrgroup@gmail.com>
Sent: Tuesday, January 08, 2019 2:47 PM
To: Rivera, Jose; Sanchez, Aileen; Eng. Winston R. Esteves; Maria Gonzalez
Subject: Receipt of EPA Inspection Dated November 6, 2018

Good afternoon Rivera:

I inform that we received the EPA Inspection Report dated November 6, 2018 by e-mail on December 19, 2018 and by certified mail on December 20, 2018.

Nelson Rosario
SQR Architects & Engineers
Tel. (787) 925-1535 Tel. (787) 925-1545
email: sqrgroup@gmail.com

Rivera, Jose

From: Rivera, Jose
Sent: Wednesday, December 19, 2018 7:40 PM
To: Angel Melendez Aguilar
Cc: 'Annette Feliberty Ruiz'; Maclay, Yolianne
Subject: Inspection Report - Construction of New Maritime Transportation Terminal
Attachments: TERMINAL - REPORT FOR THE EPA NOVEMBER 6 2018 INSPECTION AND COVER LETTER.pdf; NEW MARITIME TRANSPORTATION TERMINAL - LETTER AND INSPECTION REPORT.PDF

Saludos,

Attached are the inspection reports that EPA makes reference in the compliance order I sent you earlier this evening. Please contact me if you will like to discuss.

Best regards!

From: Rivera, Jose
Sent: Wednesday, December 19, 2018 7:36 PM
To: 'Juan M. Maldonado De Jesus' <jumaldonado@dtop.pr.gov>; sqrgroup sqrgroup <sqrgroup@gmail.com>
Cc: Maclay, Yolianne <Maclay.Yolianne@epa.gov>
Subject: Inspection Report - Construction of New Maritime Transportation Terminal

Gentlemen,

Attached please find a copy of the inspection report and cover letter concerning the construction of the reference terminal in Ceiba, Puerto Rico. The original documents were sent via United States Postal Service.

I will appreciate if you acknowledge receipt of this email. Please contact the undersigned if you have any questions.

Cordially,

José A. Rivera, BSCE | Team Leader
Clean Water Act Team
Multimedia Permits and Compliance Branch
US EPA Region 2 | Caribbean Environmental Protection Division
Direct Dial: (787) 977-5842
Main: (787) 977-5865
e-mail: rivera.jose@epa.gov

City View Plaza II | Suite 7000
48 RD. 165, Km. 1.2
Guaynabo, Puerto Rico 00968-8069

EPA Office Hours: 9:00 am to 5:30 pm (Tuesday to Friday)
Alternate Work Location: 9:00 am to 5:30 pm (Every Monday)

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unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.

Rivera, Jose

From: Rivera, Jose
Sent: Wednesday, December 19, 2018 7:36 PM
To: 'Juan M. Maldonado De Jesus'; sqrgroup sqrgroup
Cc: Maclay, Yolianne
Subject: Inspection Report - Construction of New Maritime Transportation Terminal
Attachments: TERMINAL - REPORT FOR THE EPA NOVEMBER 6 2018 INSPECTION AND COVER LETTER.pdf

Gentlemen,

Attached please find a copy of the inspection report and cover letter concerning the construction of the reference terminal in Ceiba, Puerto Rico. The original documents were sent via United States Postal Service.

I will appreciate if you acknowledge receipt of this email. Please contact the undersigned if you have any questions.

Cordially,

José A. Rivera, BSCE | Team Leader

Clean Water Act Team

Multimedia Permits and Compliance Branch

US EPA Region 2 | Caribbean Environmental Protection Division

Direct Dial: (787) 977-5842

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2
Caribbean Environmental Protection Division
City View Plaza II, #48 Carr 165 Ste 7000
Guaynabo, Puerto Rico 00968-8073

1 2 0 7 1 8

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Juan Maldonado, Esq.
Executive Director
Puerto Rico Maritime Transport Authority and the Municipal Islands
P. O. Box 41118
San Juan, Puerto Rico 00940

Mr. Nelson Rosario
Operations Manager
SQR Architects & Engineers Consulting, P.S.C.
Calle Bolivar #67
San Juan, Puerto Rico 00917

**Re: Construction of New Maritime Transportation Terminal
Former Roosevelt Roads Naval Base, Forestal Drive, Port 2, Ceiba, Puerto Rico**

Dear Mr. Maldonado and Mr. Rosario:

This letter refers to the National Pollutant Discharge Elimination System (NPDES) Stormwater Inspection (Inspection) performed by the United States Environmental Protection Agency (EPA) at the reference Construction Site (Site) on November 6, 2018. The purpose of the Inspection was to determine whether earth movement activities at the Site were conducted in compliance with Sections 301(a), 308(a) and 402(p) of the Clean Water Act (CWA), 33 U.S.C. §§ 1311(a), 1318(a) and 402(p), its implementing NPDES stormwater regulations codified at 40 C.F.R. Part 122, and the NPDES General Permit for Storm Water Discharges from Construction Activities. Enclosed please find a copy of the Inspection Report.

If you have any questions concerning the above, please contact Mr. José Rivera, Team Leader, Clean Water Act Team, at (787) 977-5887, or via email at rivera.jose@epa.gov or Mrs. Yolianne Maclay, P.E., Clean Water Act Team, at (787) 977-5849, or via email at maclay.yolianne@epa.gov.

Sincerely,

Nancy Rodríguez, P.E.
Chief

Multimedia Permits and Compliance Branch

Enclosure

cc: Ángel Meléndez, EQB (via e-mail w/ enclosure)

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Sent To

Mr. Nelson Rosario

Operations Manager

SOR Architects & Engineers Consulting, P.S.C.

Calle Bolivar #67

San Juan, Puerto Rico 00917

City, State, ZIP+4[®]

PS Form 3811, July 2015 PSN 7530-02-000-9053

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Sent To

Mr. Juan Maldonado, Esq.

Executive Director

Puerto Rico Maritime Transport Authority and

the Municipal Islands

P. O. Box 41118

San Juan, Puerto Rico 00940

City, State, ZIP+4[®]

PS Form 3811, July 2015 PSN 7530-02-000-9053

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Complete items 1, 2, and 3.

Print your name and address on the reverse so that we can return the card to you.

Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Juan Maldonado, Esq.

Executive Director

Puerto Rico Maritime Transport Authority and

the Municipal Islands

P. O. Box 41118

San Juan, Puerto Rico 00940

2. Article Number (Transfer from service label)

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PS Form 3811, July 2015 PSN 7530-02-000-9053



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
MULTIMEDIA PERMITS AND COMPLIANCE BRANCH

NPDES Stormwater Inspection
Construction Site

OWNER/OPERATOR

**PUERTO RICO MARITIME TRANSPORT AUTHORITY
AND THE MUNICIPAL ISLANDS**

P. O. Box 41118, San Juan, Puerto Rico 00940

Telephone Number: (787) 497-7740

Facsimile Number: (787) 497-7741

Web Site: [www. http://www.dtop.gov.pr](http://www.dtop.gov.pr)

CONTRACTOR/OPERATOR

SQR ARCHITECTS & ENGINEERS CONSULTING, P.S.C.

Calle Bolivar #67, San Juan, Puerto Rico 00917

Telephone Number: (787) 925-1535

Electronic Mail: sqrgroup@gmail.com

NEW MARITIME TRANSPORTATION TERMINAL

Former Roosevelt Roads Naval Base, Forestal Drive, Port 2, Ceiba, Puerto Rico 00735

Coordinates: Latitude 18° 13' 49.63" N; Longitude 65° 37' 09.30" W

Sections 301(a), 308(a) and 402 of the Clean Water Act

NPDES Regulation: 40 C.F.R. Part 122

NPDES Permit Number: Unpermitted

Inspection Dates: November 6, 2018

Participating Personnel:

U.S. EPA:

Yolianne Maclay, P.E., Enforcement Officer

José A. Rivera, Enforcement Officer

Clean Water Act Team

Owner/Operator:

Nestor Calderón, Terminal's Operations Manager

Contractor/Operator:

Engineer Gilberto López, Project Manager

Telephone Number: (787) 404-7646

Engineer Nelson Rosario, Operations Manager

Telephone Number: (787) 925-1535

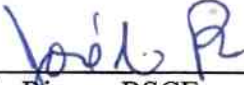
Inspection Report
Prepared by:



Yolianne Maclay, P.E.
Environmental Engineer
Clean Water Act Team
Tel: (787) 977-5849
Email: maclay.yolianne@epa.gov

11/19/18

Date

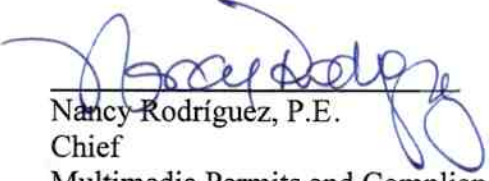


José A. Rivera, BSCE
Lead Environmental Engineer
Clean Water Act Team
Tel: (787) 977-5842
Email: rivera.jose@epa.gov

11/19/18

Date

Inspection Report
Approving Officer:



Nancy Rodríguez, P.E.
Chief
Multimedia Permits and Compliance Branch

11/28/18

Date

1. **Introduction**

This Inspection Report includes findings and observations concerning the National Pollutant Discharge Elimination System (NPDES) Stormwater Inspection (Inspection) conducted by Enforcement Officers, José A. Rivera, BSCE, and Yolianne Maclay, P.E., of the United States Environmental Protection Agency's (EPA) Caribbean Environmental Protection Division (CEPD) at the "New Maritime Transportation Terminal (Terminal) located in Ceiba, Puerto Rico.¹

The EPA Inspectors showed their credentials to Eng. Gilberto López and Eng. Nelson Rosario from SQR Architects & Engineers Consulting, P.S.C. (Operator), and Nestor Calderón, Operations Manager of the Puerto Rico Maritime Transportation Authority. The Inspection was performed pursuant to the authority in Section 308(a) of the CWA. The purpose of the Inspection was to determine compliance with Sections 301(a) and 402(p) of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 402(p), its implementing NPDES stormwater regulations codified at 40 C.F.R. Part 122, and the NPDES General Permit for Storm Water Discharges from Construction Activities (CGP).

The Inspection took place on Tuesday, November 6, 2018, from 1:50 p.m. to 3:35 p.m., local time. The EPA Inspectors only performed a walkthrough of the Terminal construction areas. Dry weather prevailed during the walkthrough of the Terminal construction areas.

2. **Facility Description**

The Puerto Rico Maritime Transport Authority and the Municipal Islands (Authority) is a public corporation created under Commonwealth of Puerto Rico Law Number 1-2000, as amended. The Authority administers and provides, among others, maritime transportation of passengers and cargo between the municipalities of Vieques and Culebra, and Fajardo, Puerto Rico.

On or about July 18, 2018, the Authority contracted the services of SQR Architects & Engineers Consulting, P.S.C., for certain design and constructions activities a new maritime transportation terminal, which replaced the current terminal located in Fajardo, Puerto Rico.

Based on the EPA October 9, 2018 Inspection Report, the construction activities included the clearing and grubbing of approximately nine (9) acres of land, remodeling and expansion of an existing concrete building, the construction and installation of a perimeter fence, replacement of a concrete slab, and other site improvements activities.

3. **NPDES Permit Status**

On November 13, 2018, the EPA Inspector Maclay conducted a review of the EPA Notice of Intent (NOI) database and did not find any electronic NOI filed for the construction activities at the Terminal.

¹ This is the second EPA inspection performed at the Terminal's Construction Areas. The first EPA Inspection was conducted on September 17-18, 2018.

4. **Entry Meeting**

Upon arrival at the Terminal construction areas, the EPA Inspectors spoke with Engineer Rosario and Engineer López about the on-going construction activities and the actions taken in response to the first EPA Inspection conducted on September 17 and 18, 2018.

5. **Findings and Observations**

The Facility's walkthrough was conducted on Tuesday, November 6, 2018 from 1:50 pm to 3:35 pm. Eng. Nelson Rosario and Eng. Gilberto Lopez accompanied the EPA Inspectors during the walkthrough of the Terminal. The following EPA's Inspectors were present during the walkthrough: Eng. Jose Rivera and Eng. Yolianne Maclay. The pictures referred herein were taken by the EPA Inspector Maclay using a Camera Nikon Coolpix P530, and are found in Attachment 1 of this Inspection Report.

The following findings and areas of concern were observed:

1. **Storage of construction debris** – The EPA Inspectors observed construction debris at the disturbed areas of the Terminal without a dumpster or trash receptacle. Refer to picture 2.
2. **Storm drain inlet protection** – The EPA Inspectors observed the following:
 - a. The Catch Basin #1 (CB1) located closer to the concrete building at the Terminal was unprotected. Refer to Pictures 3 and 4. The bale bales were dispersed and deteriorated, and away from the catch basin. The liner was improperly installed and was not retaining sediments. Sediments were observed at the bottom of the catch basin. Also, a corrugated pipe coming from the east side of the construction site was observed over the catch basin.
 - b. The Catch Basin #2 (CB2) located to the west side of the Terminal had bale bales and silt fence around the catch basin. The liner was improperly installed. The hay bales were deteriorated. Refer to Pictures 5 and 6.
 - c. EPA Inspectors observed five catch basins at the parking area on the east side of the Terminal. These catch basins lacked inlet protection. The catch basins were observed filled with brown colored water. No exit pipe was observed inside those catch basins.
3. **Storage of petroleum products** – The EPA Inspectors observed seven 55-gallon drums placed over the ground surface without secondary containment and exposed to stormwater. Five drums were identified as hydraulic oil, one as motor oil, and one was used as a trash can. Oil booms were placed around the drums. Refer to pictures 8, 9 and 10. In addition, EPA Inspectors observed a 5-gallon bucket filled with an unknown brown liquid at the parking area to the east side of the Terminal. Refer to pictures 12 and 13.
4. **Sediment track-out controls** – The EPA Inspectors did not observe sediment track out controls installed at the exit from disturbed areas into paved roads neither on the access gates to the construction site. Refer to pictures 11 and 22.

5. **Soil Stabilization** – The EPA Inspectors observed a portion of the Terminal converted into a parking area. The areas near the concrete building at the Terminal were provided with ground coverage (mat) and crushed stone. However, the EPA Inspectors observed a large area of the Terminal without soil stabilization, as depicted in pictures 2, 3, 5, 7, 8, 12, and 16.

6. **Other Concerns**

On October 26, 2018, the Authority responded to the findings of the EPA Inspection Report, dated October 9, 2018. The Authority informed EPA that the following control measures were installed: silt fence on the perimeter of the areas where earth movement activities were conducted, turbidity barriers, and additional silt fence. The Authority also indicated that protections were provided to the catch basins.

During the walkthrough of the Inspection, EPA Inspectors:

- did not observe the silt fence installed around the perimeter. Mr. Rosario explained that it was installed and then removed before the inauguration of the Terminal;
- observed one turbidity barrier installed at the Outfall 001. The Outfall 002 did not have a turbidity barrier (refer to pictures 18 and 19);
- observed a silt fence installed at a section of the approximate center of the disturbed area (refer to Picture 7);
- observed that sediment controls were not protecting CB-1 (refer to picture 3 and 4) and the liner of CB-2 was improperly installed.

In addition, EPA Inspectors observed clearing activities at the west side of the Terminal building without sediment controls installed. Refer to picture 21.

7. **Exit Meeting**

EPA Inspector Rivera explained to Mr. Rosario the importance of submitting the NOI to obtain coverage under the CGP. He stated that: (1) the Authority and Operator are still discharging without authorization under the CWA; (2) the Authority and Operator need to apply for the CGP separately by submitting two different NOIs; and (3) the Stormwater Pollution Prevention Plan can be prepared and implemented jointly or separately.

Mr. Rosario expressed his intention of submitting the NOI as soon as possible. He stated that he was under the impression that it was the Authority the only entity that needed to submit the NOI.

End of Report



Picture 1
View of the concrete path from the parking lot to the terminal building. Erosion controls, such as silt fence, were not implemented in these areas.



Picture 2
Construction debris were observed placed at the ground surface close to the concrete path to the east side of the waiting area. Picture depicts soils without stabilization.



Picture 3
View of the unprotected catch basin (CB-1). The bale bales and liner were dispersed around the area and were not protecting the catch basin. Also, a corrugated pipe coming from the east side of the construction site was observed over the catch basin. Picture also depicts loose soil nearby the catch basin.



Picture 4
Another view of the unprotected CB-1 from the previous picture. The liner was improperly installed. Sediments were observed at the bottom of the catch basin.



Picture 5
View of the second catch basin (CB-2). Hay bales and silt fence were installed around the catch basin. The silt fence was not properly installed.



Picture 6
Another view of the CB-2 from the previous picture. The liner was improperly installed.



Picture 7
View of a silt fence installed at the Project. The location of the silt fence is between the established parking area and the dock area.



Picture 8
View of seven 55-gallon drums placed on the ground without secondary containment and exposed to stormwater. Oil booms were placed around the drums. Picture also depicts soil without soil stabilization and perimeter without erosion controls.



Picture 9
View of the label on the top of one of the 55-gallon drums shown in the previous picture. The label identifies the content as "supreme motor oil."



Picture 10
View of another 55-gallon drum shown on Picture 8 without the lid.



Picture 11
View of the area before the access gate located at the east side of the construction site. Vehicle tracking controls were not installed at the disturbed area prior to entering into the paved road. Tracking of sediments were observed over the road towards the access gate.



Picture 12
View of a 5-gallon bucket over a concrete structure at the parking area to the east side of the construction site



Picture 13
View of the 5-gallon bucket
filled with a brown liquid.



Picture 14
View of a catch basin located at
a parking area to the east side of
the site.



Picture 15
View of the catch basin from
the previous picture. The catch
basin was observed filled with
water of brown color, and exit
pipe could not be observed.



Picture 16
View of an unprotected catch basin at the parking area to the east side of the site. An exit pipe could not be observed.



Picture 16
View of an unprotected catch basin at the parking area to the east side of the site. The catch basin was observed filled with water of brown color. An exit pipe could not be observed.



Picture 18
Closer view of Outfall 002 towards the east side of the dock. No turbidity barrier was observed.



Picture 19
View of the west side of the terminal. A turbidity barrier was observed at outfall 001 located towards the west side of the dock.



Picture 20
Closer view of the turbidity barrier shown on the previous picture.



Picture 21
View of the disturbed area at the west side of the construction site without sediment controls and soil stabilization.



Picture 22
View of the entrance gate at the west side of the Terminal. Vehicle tracking controls were not installed and sediment was observed on the paved offsite road.

Rivera, Jose

From: Rivera, Jose
Sent: Thursday, November 01, 2018 7:15 PM
To: 'Juan M. Maldonado De Jesus'
Cc: 'sqrgroup sqrgroup'; Maclay, Yolianne
Subject: RE: ATM Letter

Dear Mr. Maldonado and Mr. Rosario,

This is to provide notice that EPA will be conducting a follow-up NPDES Stormwater Inspection of the New Maritime Transportation Terminal Construction Site (Site) located at the former Roosevelt Roads Naval Base, ceiba, Puerto Rico. The inspection will be performed under under Section 308(a) of the Clean Water Act. The Inspection is scheduled for Tuesday, November 6, 2018. Ms. Yolianne Maclay and I expect to arrive at the Site between 1:00 and 1:30 pm.

I am respectfully requesting that both of you confirm receipt of this message.

Cordially,

José A. Rivera, BSCE | Team Leader
Clean Water Act Team
Multimedia Permits and Compliance Branch US EPA Region 2 | Caribbean Environmental Protection Division Direct Dial:
(787) 977-5842
Main: (787) 977-5865
e-mail: rivera.jose@epa.gov

City View Plaza II | Suite 7000
48 RD. 165, Km. 1.2
Guaynabo, Puerto Rico 00968-8069

EPA Office Hours: 9:00 am to 5:30 pm (Tuesday to Friday) Alternate Work Location: 9:00 am to 5:30 pm (Every Monday)

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-----Original Message-----

From: Rivera, Jose
Sent: Monday, October 29, 2018 11:57 AM
To: 'Juan M. Maldonado De Jesus' <jumaldonado@dtop.pr.gov>
Cc: sqrgroup sqrgroup <sqrgroup@gmail.com>
Subject: RE: ATM Letter

Good morning,

EPA is in receipt of your email and attachment.

Regards,

José A. Rivera, BSCE | Team Leader

Clean Water Act Team

Multimedia Permits and Compliance Branch US EPA Region 2 | Caribbean Environmental Protection Division Direct Dial:
(787) 977-5842

Main: (787) 977-5865

e-mail: rivera.jose@epa.gov

City View Plaza II | Suite 7000

48 RD. 165, Km. 1.2

Guaynabo, Puerto Rico 00968-8069

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-----Original Message-----

From: Juan M. Maldonado De Jesus <jumaldonado@dtop.pr.gov>

Sent: Sunday, October 28, 2018 1:40 PM

To: Rivera, Jose <Rivera.Jose@epa.gov>

Cc: sqrgroup sqrgroup <sqrgroup@gmail.com>

Subject: ATM Letter

Dear Jose:

Attached as per our meeting, please find the response letter advance copy.

Sincerely,

Juan Maldonado



GOVERNMENT OF PUERTO RICO

Puerto Rico and the Municipality Islands Maritime
Transport Authority

Hon. Carlos M. Contreras Aponte
Secretary

Juan M. Maldonado De Jesús
Executive Director

VIA EMAIL: rivera.jose@epa.gov

October 26, 2018

José A. Rivera, BSCE
Clean Water Act Team
Multimedia Permits and Compliance Branch
US EPA Region 2 | Caribbean Environmental Protection Division
City View Plaza II | Suite 7000
48 RD. 165, Km. 1.2
Guaynabo, Puerto Rico 00968-8069

Dear Engineer Rivera:

Referenced is hereby made to that certain letter dated October 9, 2018 where EPA provides findings regarding an NPDES Inspection conducted on September 17, 2018 to the premises of the Puerto Rico and the Island Municipalities Maritime Transport Authority (MTA) Pier 2 on the former Roosevelt Roads Naval Base. It is important to clarify that most of the work performed in the site was remodeling the existing building.

After the inspection on September 17, 2018 the Contractor of MTA, SQR Architects and Engineers Consulting, P.S.C. implemented silt fence on the perimeter of the areas where earth movement activities were conducted. The MTA separately through its Environmental Consultant Geo Envirotech (GE), conducted additional mitigation including the installation of a turbidity barrier, additional silt fencing and improvements to the cash basin protections.

The earth movements work was mostly discontinued after the EPA inspection, forcing us to modify the works to be performed and limiting the earth movement to the bear minimum, operations began at the facilities on October 10, 2018. Still there are works that need to be completed in order for the terminal facilities to be completed specifically on the Parking and Cargo Staging Areas where additional grading and sidewalk construction need to be finished as well as the construction of the main entrance.

As discussed with Ms. Maclay and yourself, we will proceed as quickly as feasible to file for an NPDES and once approved we will provide the corresponding plan as well as close out notice once additional works are concluded.

AUTORIDAD
TRANSPORTE
MARITIMO

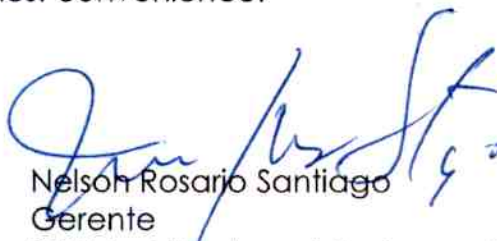
We would like to reiterate EPA that although we were compelled to move forward under a very aggressive schedule due to the essential nature of the service provided to the residents of Vieques and Culebra and the unacceptable conditions of the terminal in Fajardo, we are committed to comply with all applicable regulations and make certain that our new facility is in full compliance. The MTA and its contractor did not intentionally ignored the requirements and further it immediately mitigated and implemented the required actions on the site. Given the financial crisis currently affecting the Government of Puerto Rico we respectfully request that all of the above is taken into consideration as well as our commitment to remediate before any fines or penalties are applied.

We will maintain you informed of the actions taken moving forward. Should you have any further questions regarding this matter, please do not hesitate to contact the undersigns at your earliest convenience.

Sincerely,



Juan M. Maldonado, Esq.
Deputy Secretary of Transportation
Executive Director MTA



Nelson Rosario Santiago
Gerente
SQR Architects and Engineers Consulting



Rivera, Jose

From: Rivera, Jose
Sent: Friday, October 19, 2018 3:57 PM
To: 'sqrgroup sqrgroup'
Cc: 'Juan M. Maldonado De Jesus'
Subject: RE: New Maritime Transportation Terminal

Good afternoon,

Thanks for our brief telephone conversation this afternoon, in which I indicated that the Post Office returned to EPA the envelope sent to your attention containing the original letter, but that you received the electronic copy I sent on October 9th, 2018. EPA looks forward to the meeting scheduled for next Wednesday, October 24th, 2018.

Cordially,

José A. Rivera, BSCE | Team Leader
Clean Water Act Team
Multimedia Permits and Compliance Branch
US EPA Region 2 | Caribbean Environmental Protection Division
Direct Dial: (787) 977-5842
Main: (787) 977-5865
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From: Rivera, Jose
Sent: Tuesday, October 09, 2018 12:26 PM
To: 'Juan M. Maldonado De Jesus' <jumaldonado@dtop.pr.gov>; 'sqrgroup sqrgroup' <sqrgroup@gmail.com>
Subject: New Maritime Transportation Terminal

Dear Mr. Maldonado and Mr. Rosario,

Hope this message finds you well. Attached is a letter that EPA issued concerning the reference matter. EPA urges your prompt attention.

Cordially,

José A. Rivera, BSCE | Team Leader
Clean Water Act Team
Multimedia Permits and Compliance Branch
US EPA Region 2 | Caribbean Environmental Protection Division

Direct Dial: (787) 977-5842
Main: (787) 977-5865
e-mail: rivera.jose@epa.gov

City View Plaza II | Suite 7000
48 RD. 165, Km. 1.2
Guaynabo, Puerto Rico 00968-8069

EPA Office Hours: 9:00 am to 5:30 pm (Tuesday to Friday)
Alternate Work Location: 9:00 am to 5:30 pm (Every Monday)

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From the desk of:

JOSÉ A. RIVERA, Team Leader
Clean Water Act Team
Multimedia Permits and Compliance Branch
Tel: (787) 977-5842 (direct)
Email: rivera.jose@epa.gov

Date:

10/19/18

3:39
pm

TO: File

I contacted Mr. Nelson Rosario at (787) 613-0043, and let him know that the Post Office returned the envelop marked as refused. He indicated that the address is correct.

He also acknowledged receipt of my email with the letter and indicated that he will be participating in the meeting scheduled in the letter. He also said that he spoke with Juan Maldonado

and that archers are being taken
He did not indicate to archers.

— c —



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2
Caribbean Environmental Protection Division
City View Plaza II, #48 Carr 165 Ste 7000
Guaynabo, Puerto Rico 00968-8073

100918

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Juan Maldonado, Esq.
Executive Director
Puerto Rico Maritime Transport Authority and the Municipal Islands
P. O. Box 41118
San Juan, Puerto Rico 00940

Mr. Nelson Rosario
Operations Manager
SQR Architects & Engineers Consulting, P.S.C.
Calle Bolivar #67
San Juan, Puerto Rico 00917

**Re: Construction of New Maritime Transportation Terminal
Former Roosevelt Roads Naval Base, Forestal Drive, Port 2, Ceiba, Puerto Rico**

Dear Mr. Maldonado and Mr. Rosario:

This refers to the National Pollutant Discharge Elimination System (NPDES) Stormwater Inspection (Inspection) performed by the United States Environmental Protection Agency (EPA) at the reference Construction Site (Site) on September 17-18, 2018. Enclosed please find a copy of the NPDES Stormwater Inspection Report (Report). The findings of the Inspection revealed, among other things, that the Puerto Rico Maritime Transport Authority and the Municipal Islands (Authority), and its General Contractor, SQR Architects & Engineers Consulting, P.S.C. (GC), conducted earth movement activities at the Site without applying for and obtaining NPDES permit coverage, as required by 40 Code of Federal Regulations, Part 122. The findings of the Inspection are very serious and required immediate action by the Authority and GC.

After the walkthrough performed during the Inspection, an EPA official contacted both of you to bring to your attention the findings of the Inspection, and provided compliance assistance concerning the short and long-term actions required to bring the Site into compliance. By electronic message dated September 24, 2018, GC sent to EPA a letter dated September 20, 2018, in which GC described the described four corrective actions to be implemented at the Site. On the other hand, the Authority agreed to follow-up and to meet with EPA to discuss further actions moving forward.

Thru the local media, EPA learned that the Authority conducted a press event on September 30, 2018, in which representatives of the Government of Puerto Rico announced the opening of the Terminal in October 2018. This raises major concerns to EPA about the Authority's and GC's disregard to the NPDES permitting requirements and lack of further notice to EPA of the corrective actions implemented at the Site to address the findings of the Inspection.

Please be notified that EPA is providing an opportunity to confer regarding the above. The Executive Director of the Authority or its designee, and an authorized representative of GC or its designee, shall appear at 10:00 a.m. on Wednesday, October 24, 2018, at EPA's Caribbean Environmental Protection

Division Office, City View Plaza II, Suite 7000, 48 RD. 165 Km. 1.2, Guaynabo, Puerto Rico, to show cause before EPA officials, why EPA should not commence enforcement proceedings pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319, under which injunctive relief and penalties may be sought. Such enforcement actions may include the assessment of penalties of up to \$53,484 per day for each day of continued non-compliance. EPA expects that the Authority and GC will discuss the following topics during the meeting:

1. affirmative actions to address the findings and observations described in Inspection Report, which include lack of erosion and sediment controls, lack of soil stabilization; and lack of pollution prevention controls at the Site;
2. affirmative actions to submit an accurate and complete NPDES application under the permitting options available; and
3. estimation of cost and timetable for the implementation of actions to address the above.

If you have any questions regarding the above, please contact Mr. José A. Rivera, Team Leader, Clean Water Act Team, at (787) 977-5852, or rivera.jose@epa.gov.

EPA urges the Authority's and GS's prompt attention to this matter.

Sincerely,

Nancy Rodríguez, P.E.
Chief

Multimedia Permits and Compliance Branch

Enclosure

cc: Ángel Meléndez, EQB (via e-mail w/ enclosure)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
MULTIMEDIA PERMITS AND COMPLIANCE BRANCH

NPDES Stormwater Inspection
Construction Site

OWNER/OPERATOR

PUERTO RICO MARITIME TRANSPORT AUTHORITY
AND THE MUNICIPAL ISLANDS

P. O. Box 41118, San Juan, Puerto Rico 00940

Telephone Number: (787) 497-7740

Facsimile Number: (787) 497-7741

Web Site: www. <http://www.dtop.gov.pr>

CONTRACTOR/OPERATOR

SQR ARCHITECTS & ENGINEERS CONSULTING, P.S.C.

Calle Bolivar #67, San Juan, Puerto Rico 00917

Telephone Number: (787) 925-1535

Electronic Mail: sqrgroup@gmail.com

NEW MARITIME TRANSPORTATION TERMINAL

Former Roosevelt Roads Naval Base, Forestal Drive, Port 2, Ceiba, Puerto Rico 00735

Coordinates: Latitude 18° 13' 49.63" N; Longitude 65° 37' 09.30" W

Sections 301(a), 308(a) and 402 of the Clean Water Act
NPDES Regulation: 40 C.F.R. Part 122

NPDES Permit Number: Unpermitted

Inspection Dates: September 17-18, 2018

Participating Personnel:

U.S. EPA:

Yolianne Maclay, P.E., Enforcement Officer
Clean Water Act Team

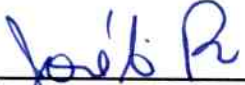
José A. Rivera, BSCE, Lead Environmental Engineer
Clean Water Act Team

Contractor/Operator:

Engineer Gilberto López, Project Manager
Telephone Number: (787) 404-7646

Engineer Nelson Rosario, Operations Manager
Telephone Number: (787) 925-1535

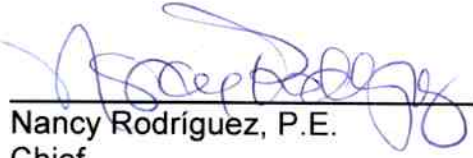
Inspection Report
Prepared by:



José A. Rivera, BSCE
Lead Environmental Engineer
Clean Water Act Team

Oct. 3, 2018
Date

Inspection Report
Approving Officer:



Nancy Rodríguez, P.E.
Chief
Multimedia Permits and Compliance Branch

10/9/2018
Date

1. INTRODUCTION

This Inspection Report includes findings and observations concerning the National Pollutant Discharge Elimination System ("NPDES") Stormwater Inspection ("Inspection") conducted by Enforcement Officers, José A. Rivera, BSCE, and Yolianne Maclay, P.E., of the United States Environmental Protection Agency's ("EPA") Caribbean Environmental Protection Division ("CEPD") at the "New Maritime Transportation Terminal" ("Terminal") located in Ceiba, Puerto Rico.¹

The EPA Inspectors showed their credentials to Engineer Luis Marquez, and performed the Inspection pursuant to the authority in Section 308(a) of the CWA.² The purpose of the Inspection was to determine compliance with Sections 301(a), 308(a) and 402(p) of the Clean Water Act, 33 U.S.C. §§ 1311(a), 1318(a) and 402(p), its implementing NPDES stormwater regulations codified at 40 C.F.R. Part 122, and the NPDES General Permit for Storm Water Discharges from Construction Activities ("CGP").

The first day of the Inspection took place on Monday, September 17, 2018, from 11:30 a.m. to 12:35 p.m., local time. The EPA Inspectors only performed a walkthrough of the Terminal construction areas. Dry weather and sunny skies prevailed during the walkthrough of the Terminal construction areas.

The second day of the Inspection took place at CEPD on Tuesday, September 18, 2018, from 4:00 pm to 5:15 p.m., local time. The EPA Inspector Rivera and Engineer Nelson Rosario performed an exit meeting. During the meeting, Mr. Rosario provided various records concerning the construction of the Terminal, which were partially reviewed EPA Inspector Rivera during the meeting.

2. PUERTO RICO MARITIME TRANSPORT AUTHORITY AND THE MUNICIPAL ISLANDS

The Puerto Rico Maritime Transport Authority and the Municipal Islands ("Authority" or "Owner") is a public corporation created under Commonwealth of Puerto Rico Law Number 1-2000, as amended. The Authority administers and provides, among others, maritime transportation of passengers and cargo between the municipalities of Vieques and Culebra, and Fajardo, Puerto Rico.

On or about July 18, 2018, the Authority contracted the services of SQR Architects & Engineers Consulting, P.S.C., for certain design and constructions activities a new maritime transportation terminal, which will eventually replace the current terminal located in Fajardo, Puerto Rico. The construction areas contracted are included on page 2 of the executed construction contract number 18-19-655-003.³

¹ This is the first EPA inspection performed at the Terminal Construction Areas.

² Mr. Marquez identified himself as the President of Inmobiliaria, Inc., and indicated that his company was contracted to perform, among other things, the construction of the Terminal perimeter fence. His telephone number is (787) 527-6408.

³ A copy of the construction contract was filed in the administrative record located at CEPD. The Puerto Rico Controller Office number assigned to the construction contract is 2019-00003.

3. **SQR ARCHITECTS & ENGINEERS CONSULTING, P.S.C.**

Based on the above referenced contract, SQR Architects & Engineers Consulting, P.S.C. ("Contractor") is a corporation organized under the laws of the Commonwealth of Puerto Rico. On September 21, 2018, the EPA Inspector Rivera reviewed the on-line database of the Department of State of the Commonwealth of Puerto Rico, and did not find the Contractor in such database.⁴

4. **GENERAL DESCRIPTION OF THE TERMINAL CONSTRUCTION ACTIVITIES**

Based on the walkthrough of Terminal construction and nearby areas, and the information gathered during the Inspection, the construction activities include the clearing and grubbing of approximately 9 acres of land, remodeling and expansion of an existing concrete building, the construction and installation of a perimeter fence, replacement of a concrete slab, and other site improvements activities (i.e., electrical and plumbing infrastructure). **Figure 1** below depicts the approximate locations of the Terminal and the construction areas.⁵

Figure 1



⁴ The on-line database is found at <http://www.estado.gobierno.pr>

⁵ Source: Aerial picture from Google Earth Pro, dated January 23, 2018.

The construction site landscape is primarily flat with a slight slope towards the adjacent waters within the port. The storm water runoff collection and discharge system is composed of two (2) storm water catch basins and two discharge points into the receiving water. **Pictures 1 and 2** depict catch basin 1 ("CB-1"), and **Pictures 3 and 4** depict catch basin 2 ("CB-2").

Picture 1 (CB-1)



Picture 2 (CB-1)



Picture 3 (CB-2)



Picture 4 (CB-2)



Pictures 2 and 4 show EPA Inspector Maclay standing near the seawater where the two discharge points are approximately located. Pictures 5 and 6 depict each discharge point, which are described hereinbelow as Outfall 1 and Outfall 2. Outfall 1 appeared to be an 18-inch concrete pipe. Outfall 2 appeared to be a 24-inch concrete pipe.

Picture 5 (Outfall 1)



Note: The CB-1 and Outfall 1 were aligned, as corroborated by the EPA Inspectors during the walkthrough of the Terminal construction areas and nearby shore.

Picture 6 (Outfall 2)



Note: The CB-2 and Outfall 2 were aligned, as corroborated by the EPA Inspectors during the walkthrough of the Terminal construction areas and nearby shore.

The Outfall 1 and Outfall 2 discharge into the Caribbean Sea.

5. APPLICABLE STATUTORY AND REGULATORY PROVISIONS

Section 301(a) of the CWA provides in part that “[e]xcept as in compliance with [CWA’s Section 402], the discharge of any pollutant by any person shall be unlawful.” Section 402(p)(2)(B) of the CWA authorizes the Administrator of EPA to issue NPDES permits to storm water discharges associated with industrial activity.

EPA promulgated NPDES regulations defining the term storm water associated with industrial activity. Those regulations are codified in 40 C.F.R. § 122.26(b). Storm water discharges from construction sites were included in the definition of storm water discharges associated with industrial activity in 40 C.F.R. § 122.26(b)(14)(x). The Terminal construction activities are covered by the NPDES regulation for construction sites because the clearing, grading and excavation activities at the Terminal construction areas is equal or greater than five (5) acres.

6. NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

On January 19, 2017, EPA issued and published the NPDES General Permit for Stormwater Discharges from Construction Activities (CGP). The CGP became effective on February 16, 2017 and expires on February 16, 2022. The CGP establishes, among others, Notice of Intent (“NOI” or “eNOI”) requirements, development of a Storm Water Pollution Prevention Plan (“SWPPP”), performance of inspections, completion of inspection reports and other conditions.

On September 17, 2018, the EPA Inspector Rivera conducted a review of the EPA Notice of Intent (“NOI”) database, and did not find an electronic NOI filed for the Terminal Construction Activities.⁶

7. ENTRY MEETING

Upon arrival at the Terminal construction areas, the EPA Inspector spoke with Engineer Marquez about the on-going construction activities and the responsible individuals at the construction project. Engineer Marquez indicated that Engineer López was the contact person, but Engineer López was not present. Engineer Marquez proceeded to contact Engineer López by phone, and indicated to him of the EPA Inspectors presence at the construction site. Engineer Marquez indicated that Engineer López will be back to the construction site soon, and provided his telephone number to the EPA Inspectors.

The EPA Inspectors waited about 10-15 minutes and proceeded to perform the walkthrough of the Terminal construction areas at approximately 11:40 am.

⁶ The eNOI databases is found at <https://e-enterprise.gov/eenterprise-new>.

8. WALKTHROUGH OF THE TERMINAL CONSTRUCTION AREAS

Approximately between 11:40 a.m. and 12:15 p.m., the EPA inspectors conducted a walkthrough of the Terminal construction areas and the piers area. The findings and observations made by the EPA Inspectors are presented below:

- a. A concrete fence was being installed along the boundary with Forrestal Road. Pre-cast concrete structures were placed on top of the ground;⁷
- b. Clearing and grubbing had taken place, and soil stabilization controls were not observed. The approximate size of the area where clearing and grubbing took place is 9 acres. **Picture 7** depicts most of the Terminal construction areas where clearing and grubbing took place, and CB-1 and CB-2;

Picture 7



- c. A water line was broken and the resulting runoff was observed flowing behind the concrete building structure under expansion and remodeling;

⁷ While waiting for Engineer López to arrive at the construction site, Mr. Marquez indicated that excavation below ground is not allowed due to on-going environmental testing at groundwater wells located at the Terminal construction site.

- d. A sign was not observed depicting information about the at the construction project;
- e. As shown on Pictures 1-4, the erosion controls installed to protect CB-1 and CB-2 are deteriorated. Also, the EPA Inspector Rivera observed that both catch basin had debris and sediment accumulation;
- f. Several soil piles were observed without erosion control measures;
- g. The entrance to the Terminal construction areas was observed without off-tracking sediment controls. **Picture 8** depicts one of several soil piles without erosion control measures and the entrance;

Picture 8



- h. Several waste and debris piles were observed without erosion control measures. **Picture 9** depicts one of several waste and debris piles without erosion control measures.

Picture 9



- i. A concrete washout was observed by one of the dock areas. **Picture 10** depicts this observation.

Picture 10



- j. An asphalt-paved road was observed between the areas where clearing and grubbing took place, and the dock area. Sediment controls were not observed along the perimeter of the areas where clearing and grubbing took place. **Picture 11** depicts an example of these observations.

Picture 11



- k. A storm water catch basin was observed without any erosion control and clogged with sediments. This catch basin is located along the asphalt-paved road described immediately above and receives runoff from the southeast areas of the Terminal site. The EPA could not determine the hydraulic connection of this catch basin to a stormwater collection and conveyance structure. **Picture 12** depicts the catch basin and the observed conditions.

Picture 12



The EPA Inspector Rivera took 19 photos using his personal Iphone, Model 8plus, which were unaltered transferred to an EPA computer. The pictures presented above were altered just in size, and were added with lines to depict the observations described in this Inspection Report.

9. **EXIT MEETING**

Upon completion of the walkthrough of the Terminal construction areas and the piers areas, the EPA Inspectors waited for Engineer López to arrive until 12:35 p.m. During this period, the EPA Inspector Rivera and Engineer Marquez made several attempts to reach Mr. López. The EPA Inspectors departed from the Terminal construction areas 12:35 p.m.

At approximately 1:00 p.m., the EPA Inspector Rivera and Engineer López had a telephone conversation in which the EPA Inspector Rivera explained the purpose of the Inspection and the preliminary findings. Engineer López requested the EPA Inspector Rivera to contact Engineer Rosario about the Terminal construction activities.

At approximately 2:36 p.m., the EPA Inspector Rivera and Engineer Rosario had a telephone conversation about the Terminal construction activities. Engineer Rosario briefly explained the Contractor's responsibilities, the EPA Inspector Rivera indicated that the Terminal construction activities did not have NPDES permit coverage, and both agreed to meet at CEPD on Tuesday, September 18, 2018. The EPA Inspector Rivera requested Engineer Rosario to bring records about the Terminal construction activities to the meeting.

On September 18, 2018, the EPA Inspector Rivera and Engineer Rosario had a face-to-face meeting at CEPD. Engineer Rosario provided the EPA Inspector Rivera with a copy of the referenced contract, a set of construction drawings, the construction permit for the Terminal construction activities issued by the Puerto Rico Permits Management Office ("PMO") on September 7, 2018, and other permitting documents concerning PMO.

During the meeting, Engineer Rosario was asked about the NPDES stormwater permitting, and he indicated that:

- a. he knew about the NPDES permitting requirements;
- b. his office was working with the preparation of the permit application;
- c. clearing and grubbing was part of the contract document;
- d. clearing and grubbing was performed by the Contractor;
- e. clearing and grubbing began approximately at the end of August 2018 or early September 2018;
- f. clearing and grubbing ended approximately at the beginning of September 2018;

- g. no excavation can be performed below 5 five from the existing elevation and that groundwater monitoring wells are located at the Terminal construction site;
- h. sanitary wastewater resulting from the operation of the Terminal will be collected and hauled;
- i. power will not be supplied by the Puerto Rico Electric Power Authority but rather by alternate power unit; and
- j. the Owner entered into a lease agreement with the Redevelopment Authority for Roosevelt Roads.

At the end of the Exit Meeting, the EPA Inspector Rivera:

- 1) provided compliance assistance about the EPA stormwater web page, including information about the CGP and electronic filing of the NOI;
- 2) indicated that EPA found that the Contractor is required to apply for and obtain coverage under the CGP, and has not done so;
- 3) indicated that he will contact the Owner's representative to discuss the NPDES stormwater permitting requirements;⁸ and
- 4) requested the Contractor to immediately remove the waste and debris piles, to provide temporary or final stabilization to exposed soils, to implement erosion controls along the perimeter of the Terminal construction areas, to clean the catch basin and provide inlet protection, and to expedite the electronic NOI filing.

In addition, the EPA Inspector Rivera requested the Contractor to submit a letter to EPA providing the actions to be taken and a schedule to address the preliminary findings that the EPA Inspector Rivera explained during the Exit Meeting.

The Exit Meeting was adjourned about 5:15 p.m.

End of Report

⁸ Engineer Rosario indicated that attorney Juan Maldonado is the current Acting Director of the Owner, and that he will be contacting him to discuss the NPDES permitting requirements.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2

Caribbean Environmental Protection Division

City View Plaza II, #48 Carr 165 Ste 7000

Guaynabo, Puerto Rico 00968-8073

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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Juan Maldonado, Esq.
Executive Director
Puerto Rico Maritime Transport Authority and the Municipal Islands
P. O. Box 41118
San Juan, Puerto Rico 00940

Mr. Nelson Rosario
Operations Manager
SQR Architects & Engineers Consulting, P.S.C.
Calle Bolivar #67
San Juan, Puerto Rico 00917

**Re: Construction of New Maritime Transportation Terminal
Former Roosevelt Roads Naval Base, Forestal Drive, Port 2, Ceiba, Puerto Rico**

Dear Mr. Maldonado and Mr. Rosario:

This refers to the National Pollutant Discharge Elimination System (NPDES) Stormwater Inspection (Inspection) performed by the United States Environmental Protection Agency (EPA) at the reference Construction Site (Site) on September 17-18, 2018. Enclosed please find a copy of the NPDES Stormwater Inspection Report (Report). The findings of the Inspection revealed, among other things, that the Puerto Rico Maritime Transport Authority and the Municipal Islands (Authority), and its General Contractor, SQR Architects & Engineers Consulting, P.S.C. (GC), conducted earth movement activities at the Site without applying for and obtaining NPDES permit coverage, as required by 40 Code of Federal Regulations, Part 122. The findings of the Inspection are very serious and required immediate action by the Authority and GC.

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Thru the local media, EPA learned that the Authority conducted a press event on September 30, 2018, in which representatives of the Government of Puerto Rico announced the opening of the Terminal in October 2018. This raises major concerns to EPA about the Authority's and GC's disregard to the NPDES permitting requirements and lack of further notice to EPA of the corrective actions implemented at the Site to address the findings of the Inspection.

Please be notified that EPA is providing an opportunity to confer regarding the above. The Executive Director of the Authority or its designee, and an authorized representative of GC or its designee, shall appear at 10:00 a.m. on Wednesday, October 24, 2018, at EPA's Caribbean Environmental Protection

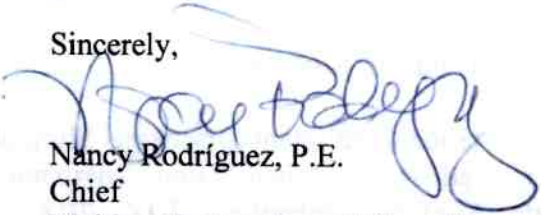
Division Office, City View Plaza II, Suite 7000, 48 RD. 165 Km. 1.2, Guaynabo, Puerto Rico, to show cause before EPA officials, why EPA should not commence enforcement proceedings pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319, under which injunctive relief and penalties may be sought. Such enforcement actions may include the assessment of penalties of up to \$53,484 per day for each day of continued non-compliance. EPA expects that the Authority and GC will discuss the following topics during the meeting:

1. affirmative actions to address the findings and observations described in Inspection Report, which include lack of erosion and sediment controls, lack of soil stabilization; and lack of pollution prevention controls at the Site;
2. affirmative actions to submit an accurate and complete NPDES application under the permitting options available; and
3. estimation of cost and timetable for the implementation of actions to address the above.

If you have any questions regarding the above, please contact Mr. José A. Rivera, Team Leader, Clean Water Act Team, at (787) 977-5852, or rivera.jose@epa.gov.

EPA urges the Authority's and GS's prompt attention to this matter.

Sincerely,


Nancy Rodríguez, P.E.
Chief
Multimedia Permits and Compliance Branch

Enclosure

cc: Ángel Meléndez, EQB (via e-mail w/ enclosure)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
MULTIMEDIA PERMITS AND COMPLIANCE BRANCH

NPDES Stormwater Inspection
Construction Site

OWNER/OPERATOR

PUERTO RICO MARITIME TRANSPORT AUTHORITY
AND THE MUNICIPAL ISLANDS

P. O. Box 41118, San Juan, Puerto Rico 00940

Telephone Number: (787) 497-7740

Facsimile Number: (787) 497-7741

Web Site: [www. http://www.dtop.gov.pr](http://www.dtop.gov.pr)

CONTRACTOR/OPERATOR

SQR ARCHITECTS & ENGINEERS CONSULTING, P.S.C.

Calle Bolivar #67, San Juan, Puerto Rico 00917

Telephone Number: (787) 925-1535

Electronic Mail: sqrgroup@gmail.com

NEW MARITIME TRANSPORTATION TERMINAL

Former Roosevelt Roads Naval Base, Forestal Drive, Port 2, Ceiba, Puerto Rico 00735

Coordinates: Latitude 18° 13' 49.63" N; Longitude 65° 37' 09.30" W

Sections 301(a), 308(a) and 402 of the Clean Water Act

NPDES Regulation: 40 C.F.R. Part 122

NPDES Permit Number: Unpermitted

Inspection Dates: September 17-18, 2018

Participating Personnel:

U.S. EPA:

Yolianne Maclay, P.E., Enforcement Officer
Clean Water Act Team

José A. Rivera, BSCE, Lead Environmental Engineer
Clean Water Act Team

Contractor/Operator:

Engineer Gilberto López, Project Manager
Telephone Number: (787) 404-7646

Engineer Nelson Rosario, Operations Manager
Telephone Number: (787) 925-1535

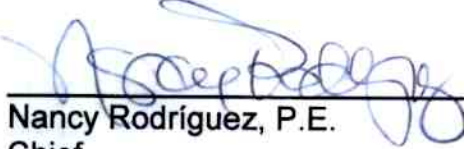
Inspection Report
Prepared by:



José A. Rivera, BSCE
Lead Environmental Engineer
Clean Water Act Team

Oct. 3, 2018
Date

Inspection Report
Approving Officer:



Nancy Rodríguez, P.E.
Chief
Multimedia Permits and Compliance Branch

10/9/2018
Date

1. INTRODUCTION

This Inspection Report includes findings and observations concerning the National Pollutant Discharge Elimination System ("NPDES") Stormwater Inspection ("Inspection") conducted by Enforcement Officers, José A. Rivera, BSCE, and Yolianne Maclay, P.E., of the United States Environmental Protection Agency's ("EPA") Caribbean Environmental Protection Division ("CEPD") at the "New Maritime Transportation Terminal" ("Terminal") located in Ceiba, Puerto Rico.¹

The EPA Inspectors showed their credentials to Engineer Luis Marquez, and performed the Inspection pursuant to the authority in Section 308(a) of the CWA.² The purpose of the Inspection was to determine compliance with Sections 301(a), 308(a) and 402(p) of the Clean Water Act, 33 U.S.C. §§ 1311(a), 1318(a) and 402(p), its implementing NPDES stormwater regulations codified at 40 C.F.R. Part 122, and the NPDES General Permit for Storm Water Discharges from Construction Activities ("CGP").

The first day of the Inspection took place on Monday, September 17, 2018, from 11:30 a.m. to 12:35 p.m., local time. The EPA Inspectors only performed a walkthrough of the Terminal construction areas. Dry weather and sunny skies prevailed during the walkthrough of the Terminal construction areas.

The second day of the Inspection took place at CEPD on Tuesday, September 18, 2018, from 4:00 pm to 5:15 p.m., local time. The EPA Inspector Rivera and Engineer Nelson Rosario performed an exit meeting. During the meeting, Mr. Rosario provided various records concerning the construction of the Terminal, which were partially reviewed EPA Inspector Rivera during the meeting.

2. PUERTO RICO MARITIME TRANSPORT AUTHORITY AND THE MUNICIPAL ISLANDS

The Puerto Rico Maritime Transport Authority and the Municipal Islands ("Authority" or "Owner") is a public corporation created under Commonwealth of Puerto Rico Law Number 1-2000, as amended. The Authority administers and provides, among others, maritime transportation of passengers and cargo between the municipalities of Vieques and Culebra, and Fajardo, Puerto Rico.

On or about July 18, 2018, the Authority contracted the services of SQR Architects & Engineers Consulting, P.S.C., for certain design and constructions activities a new maritime transportation terminal, which will eventually replace the current terminal located in Fajardo, Puerto Rico. The construction areas contracted are included on page 2 of the executed construction contract number 18-19-655-003.³

¹ This is the first EPA inspection performed at the Terminal Construction Areas.

² Mr. Marquez identified himself as the President of Inmobiliaria, Inc., and indicated that his company was contracted to perform, among other things, the construction of the Terminal perimeter fence. His telephone number is (787) 527-6408.

³ A copy of the construction contract was filed in the administrative record located at CEPD. The Puerto Rico Controller Office number assigned to the construction contract is 2019-00003.

3. **SQR ARCHITECTS & ENGINEERS CONSULTING, P.S.C.**

Based on the above referenced contract, SQR Architects & Engineers Consulting, P.S.C. ("Contractor") is a corporation organized under the laws of the Commonwealth of Puerto Rico. On September 21, 2018, the EPA Inspector Rivera reviewed the on-line database of the Department of State of the Commonwealth of Puerto Rico, and did not find the Contractor in such database.⁴

4. **GENERAL DESCRIPTION OF THE TERMINAL CONSTRUCTION ACTIVITIES**

Based on the walkthrough of Terminal construction and nearby areas, and the information gathered during the Inspection, the construction activities include the clearing and grubbing of approximately 9 acres of land, remodeling and expansion of an existing concrete building, the construction and installation of a perimeter fence, replacement of a concrete slab, and other site improvements activities (i.e., electrical and plumbing infrastructure. **Figure 1** below depicts the approximate locations of the Terminal and the construction areas.⁵

Figure 1



⁴ The on-line database is found at <http://www.estado.gobierno.pr>

⁵ Source: Aerial picture from Google Earth Pro, dated January 23, 2018.

The construction site landscape is primarily flat with a slight slope towards the adjacent waters within the port. The storm water runoff collection and discharge system is composed of two (2) storm water catch basins and two discharge points into the receiving water. **Pictures 1 and 2** depict catch basin 1 ("CB-1"), and **Pictures 3 and 4** depict catch basin 2 ("CB-2").

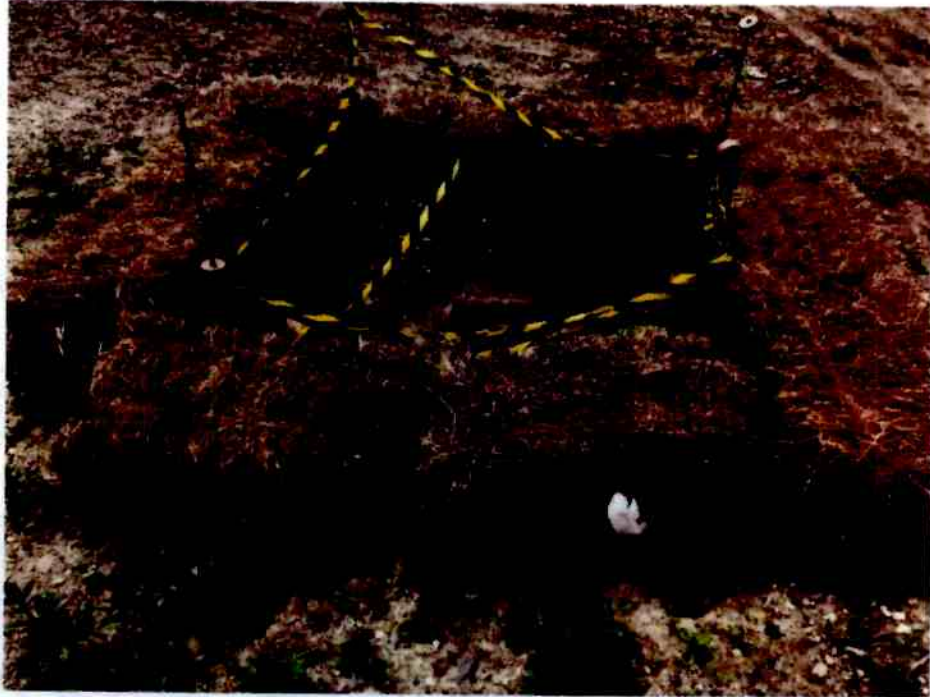
Picture 1 (CB-1)



Picture 2 (CB-1)



Picture 3 (CB-2)



Picture 4 (CB-2)



Pictures 2 and 4 show EPA Inspector Maclay standing near the seawater where the two discharge points are approximately located. Pictures 5 and 6 depict each discharge point, which are described hereinbelow as Outfall 1 and Outfall 2. Outfall 1 appeared to be an 18-inch concrete pipe. Outfall 2 appeared to be a 24-inch concrete pipe.

Picture 5 (Outfall 1)



Note: The CB-1 and Outfall 1 were aligned, as corroborated by the EPA Inspectors during the walkthrough of the Terminal construction areas and nearby shore.

Picture 6 (Outfall 2)



Note: The CB-2 and Outfall 2 were aligned, as corroborated by the EPA Inspectors during the walkthrough of the Terminal construction areas and nearby shore.

The Outfall 1 and Outfall 2 discharge into the Caribbean Sea.

5. **APPLICABLE STATUTORY AND REGULATORY PROVISIONS**

Section 301(a) of the CWA provides in part that "[e]xcept as in compliance with [CWA's Section 402], the discharge of any pollutant by any person shall be unlawful." Section 402(p)(2)(B) of the CWA authorizes the Administrator of EPA to issue NPDES permits to storm water discharges associated with industrial activity.

EPA promulgated NPDES regulations defining the term storm water associated with industrial activity. Those regulations are codified in 40 C.F.R. § 122.26(b). Storm water discharges from construction sites were included in the definition of storm water discharges associated with industrial activity in 40 C.F.R. § 122.26(b)(14)(x). The Terminal construction activities are covered by the NPDES regulation for construction sites because the clearing, grading and excavation activities at the Terminal construction areas is equal or greater than five (5) acres.

6. **NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES**

On January 19, 2017, EPA issued and published the NPDES General Permit for Stormwater Discharges from Construction Activities (CGP). The CGP became effective on February 16, 2017 and expires on February 16, 2022. The CGP establishes, among others, Notice of Intent ("NOI" or "eNOI") requirements, development of a Storm Water Pollution Prevention Plan ("SWPPP"), performance of inspections, completion of inspection reports and other conditions.

On September 17, 2018, the EPA Inspector Rivera conducted a review of the EPA Notice of Intent ("NOI") database, and did not find an electronic NOI filed for the Terminal Construction Activities.⁶

7. **ENTRY MEETING**

Upon arrival at the Terminal construction areas, the EPA Inspector spoke with Engineer Marquez about the on-going construction activities and the responsible individuals at the construction project. Engineer Marquez indicated that Engineer López was the contact person, but Engineer López was not present. Engineer Marquez proceeded to contact Engineer López by phone, and indicated to him of the EPA Inspectors presence at the construction site. Engineer Marquez indicated that Engineer López will be back to the construction site soon, and provided his telephone number to the EPA Inspectors.

The EPA Inspectors waited about 10-15 minutes and proceeded to perform the walkthrough of the Terminal construction areas at approximately 11:40 am.

⁶ The eNOI databases is found at <https://e-enterprise.gov/eenterprise-new>.

8. WALKTHROUGH OF THE TERMINAL CONSTRUCTION AREAS

Approximately between 11:40 a.m. and 12:15 p.m., the EPA inspectors conducted a walkthrough of the Terminal construction areas and the piers area. The findings and observations made by the EPA Inspectors are presented below:

- a. A concrete fence was being installed along the boundary with Forrestal Road. Pre-cast concrete structures were placed on top of the ground;⁷
- b. Clearing and grubbing had taken place, and soil stabilization controls were not observed. The approximate size of the area where clearing and grubbing took place is 9 acres. **Picture 7** depicts most of the Terminal construction areas where clearing and grubbing took place, and CB-1 and CB-2;

Picture 7



- c. A water line was broken and the resulting runoff was observed flowing behind the concrete building structure under expansion and remodeling;

⁷ While waiting for Engineer López to arrive at the construction site, Mr. Marquez indicated that excavation below ground is not allowed due to on-going environmental testing at groundwater wells located at the Terminal construction site.

- d. A sign was not observed depicting information about the at the construction project;
- e. As shown on Pictures 1-4, the erosion controls installed to protect CB-1 and CB-2 are deteriorated. Also, the EPA Inspector Rivera observed that both catch basin had debris and sediment accumulation;
- f. Several soil piles were observed without erosion control measures;
- g. The entrance to the Terminal construction areas was observed without off-tracking sediment controls. **Picture 8** depicts one of several soil piles without erosion control measures and the entrance;

Picture 8



- h. Several waste and debris piles were observed without erosion control measures. **Picture 9** depicts one of several waste and debris piles without erosion control measures.

Picture 9



- i. A concrete washout was observed by one of the dock areas. **Picture 10** depicts this observation.

Picture 10



- j. An asphalt-paved road was observed between the areas where clearing and grubbing took place, and the dock area. Sediment controls were not observed along the perimeter of the areas where clearing and grubbing took place. **Picture 11** depicts an example of these observations.

Picture 11



- k. A storm water catch basin was observed without any erosion control and clogged with sediments. This catch basin is located along the asphalt-paved road described immediately above and receives runoff from the southeast areas of the Terminal site. The EPA could not determine the hydraulic connection of this catch basin to a stormwater collection and conveyance structure. **Picture 12** depicts the catch basin and the observed conditions.

Picture 12



The EPA Inspector Rivera took 19 photos using his personal Iphone, Model 8plus, which were unaltered transferred to an EPA computer. The pictures presented above were altered just in size, and were added with lines to depict the observations described in this Inspection Report.

9. **EXIT MEETING**

Upon completion of the walkthrough of the Terminal construction areas and the piers areas, the EPA Inspectors waited for Engineer López to arrive until 12:35 p.m. During this period, the EPA Inspector Rivera and Engineer Marquez made several attempts to reach Mr. López. The EPA Inspectors departed from the Terminal construction areas 12:35 p.m.

At approximately 1:00 p.m., the EPA Inspector Rivera and Engineer López had a telephone conversation in which the EPA Inspector Rivera explained the purpose of the Inspection and the preliminary findings. Engineer López requested the EPA Inspector Rivera to contact Engineer Rosario about the Terminal construction activities.

At approximately 2:36 p.m., the EPA Inspector Rivera and Engineer Rosario had a telephone conversation about the Terminal construction activities. Engineer Rosario briefly explained the Contractor's responsibilities, the EPA Inspector Rivera indicated that the Terminal construction activities did not have NPDES permit coverage, and both agreed to meet at CEPD on Tuesday, September 18, 2018. The EPA Inspector Rivera requested Engineer Rosario to bring records about the Terminal construction activities to the meeting.

On September 18, 2018, the EPA Inspector Rivera and Engineer Rosario had a face-to-face meeting at CEPD. Engineer Rosario provided the EPA Inspector Rivera with a copy of the referenced contract, a set of construction drawings, the construction permit for the Terminal construction activities issued by the Puerto Rico Permits Management Office ("PMO") on September 7, 2018, and other permitting documents concerning PMO.

During the meeting, Engineer Rosario was asked about the NPDES stormwater permitting, and he indicated that:

- a. he knew about the NPDES permitting requirements;
- b. his office was working with the preparation of the permit application;
- c. clearing and grubbing was part of the contract document;
- d. clearing and grubbing was performed by the Contractor;
- e. clearing and grubbing began approximately at the end of August 2018 or early September 2018;
- f. clearing and grubbing ended approximately at the beginning of September 2018;

- g. no excavation can be performed below 5 five from the existing elevation and that groundwater monitoring wells are located at the Terminal construction site;
- h. sanitary wastewater resulting from the operation of the Terminal will be collected and hauled;
- i. power will not be supplied by the Puerto Rico Electric Power Authority but rather by alternate power unit; and
- j. the Owner entered into a lease agreement with the Redevelopment Authority for Roosevelt Roads.

At the end of the Exit Meeting, the EPA Inspector Rivera:

- 1) provided compliance assistance about the EPA stormwater web page, including information about the CGP and electronic filing of the NOI;
- 2) indicated that EPA found that the Contractor is required to apply for and obtain coverage under the CGP, and has not done so;
- 3) indicated that he will contact the Owner's representative to discuss the NPDES stormwater permitting requirements;⁸ and
- 4) requested the Contractor to immediately remove the waste and debris piles, to provide temporary or final stabilization to exposed soils, to implement erosion controls along the perimeter of the Terminal construction areas, to clean the catch basin and provide inlet protection, and to expedite the electronic NOI filing.

In addition, the EPA Inspector Rivera requested the Contractor to submit a letter to EPA providing the actions to be taken and a schedule to address the preliminary findings that the EPA Inspector Rivera explained during the Exit Meeting.

The Exit Meeting was adjourned about 5:15 p.m.

End of Report

⁸ Engineer Rosario indicated that attorney Juan Maldonado is the current Acting Director of the Owner, and that he will be contacting him to discuss the NPDES permitting requirements.

Rivera, Jose

From: Juan M. Maldonado De Jesus <jumaldonado@dtop.pr.gov>
Sent: Monday, October 08, 2018 7:20 AM
To: Rivera, Jose
Subject: Ceiba

Rivera:

¡Buenos Días! entiendo que tú fuiste quien se comunicó conmigo hace semana y media con relación a Ceiba Muelle 2. No había podido contactarme porque en aquel momento desde Idaho no se guardó tu número en mi celular. Lo obtuve de nuestro contratista. Dame una llamada cuando puedas hoy.

Gracias

Juan Maldonado
Subsecretario DTOP
787-903-4221

Rivera, Jose

From: sqrgroup sqrgroup <sqrgroup@gmail.com>
Sent: Monday, September 24, 2018 2:50 PM
To: Rivera, Jose
Subject: Memorial Explicativo
Attachments: 2018_09_20_Carta a la EPA Rev 1.pdf

Saludos,

Adjunto le enviamos un memorial explicativo

Gracias por su acostumbrada atención;

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SQR Architects & Engineers Consulting P,S.C.
Tel. (787) 925-1535 Tel. (787) 925-1545
email: sqrgroup@gmail.com



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20 de septiembre de 2018

Environmental Protection Agency
José A. Rivera, BSCE
Caribbean Environmental Protection Division

**Diseño y Construcción para Habilitar una Estructura Provisional Existente en el Muelle 2 de la Antigua Base Naval Roosevelt Roads y Condicionar las Facilidades Existente del Muelle Mosquito en Vieques
Contrato ATM 18-19-(5)-003**

Estimado ingeniero Rivera:

Por este medio queremos agradecerle por habernos recibido en sus oficinas y orientarnos referente a los permisos ambientales.

Por otro lado queremos informarle que luego de la visita a su agencia, nos reunimos con el dueño del proyecto (ATM) representado por su director interino, el Lic. Juan Maldonado donde conversamos respecto a la información recibida por su agencia. El Lic. Maldonado nos informó que personal competente en trabajos de permisos ambientales de la agencia atenderá dicho asunto referente a los permisos ambientales aplicables y de jurisdicción de la EPA.

Queremos informarle que todos los trabajos programados para realizar en el "site" por nuestra compañía fueron detenidos. Referente a sus recomendaciones para atender la situación existente hemos estado implementando lo siguiente:

- Instalación de malla "silt fence" como medida de control de erosión.
- Limpieza y protección en las áreas de "catch basin".
- Limpieza general de escombros y basura
- Estabilización temporera de suelo y almacenamiento de "top soil".

Es nuestro interés poder completar el proyecto, cumpliendo con todos los permisos pertinentes. Cualquier duda o comentario, no dude en comunicarse con el que suscribe al 787-925-1535.

Cordialmente;

Nelson Rosario Santiago
SQR Architects & Engineers Consulting, P.S.C.